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Information presented by the Public Defender of Georgia*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Public Defender of Georgia,** reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with "A"-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

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Annex

[*English only*]

Intervention from the Public Defender (Ombudsman) of Georgia

Mr. President, honorable members of the Council, ladies and gentlemen,

As a Public Defender of Georgia, I have the honor to address this esteemed audience regarding the Report on the Mission to Georgia of the United Nations Special Rapporteur on the human rights of internally displaced persons, Mr. Chaloka Beyani. I had the pleasure to meet with Mr. Beyani and discuss problems still concerning hundreds of thousands of IDPs in Georgia. I would like to take this opportunity and underscore the importance of Special Rapporteur's recommendations that will guide the Government of Georgia in better protection of rights of internally displaced persons.

As a National Human Rights Institution and within a broad mandate provided to it by the Organic Law of Georgia on Public Defender, Office of Public Defender of Georgia is empowered to monitor human rights situation in the whole territory of Georgia. Monitoring the human rights of internally displaced persons is one of the priorities of Public Defender's activities. With regard of the undertaken functions and in connection with the Report on the Mission to Georgia it is important to refer the attention to the number of positive developments and violations of human rights that were identified by the Office of the Public Defender of Georgia.

2013 was marked with many novelties in terms of human rights situation of IDPs. A draft law on the Internally Displaced Persons from the Occupied Territories of Georgia was prepared and adopted in 2014. Public Defender considers the adoption of the new Law indisputably as a step-forward in the protection of human rights of IDPs. The new Law is much closer to international standards than the preceding one; nevertheless, some gaps remain which might hinder effective implementation of the new Law in the existing realities. In particular, Public Defender is mainly concerned with issues of the definition of IDPs and IDP allowances.

Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia (Ministry) started re-registration of IDPs in 2013. Overall IDP registration process should be assessed positively. According to the data available to Public Defender, there were about 246,549 IDPs registered by the end of December 2013; the number being approximately 23,000 less than pre-registration number of IDPs. The Ministry actively cooperated with the Re-registration Monitoring Group headed by UNHCR, where Office of Public Defender of Georgia was also represented. In the majority of cases, problems revealed by the monitoring group were taken into consideration by the Ministry. IDP registration results will greatly assist the Ministry to plan future strategy and policy formulation.

In 2013 there has been no eviction of IDPs from the premises they are occupying arbitrarily. In the report for 2012, Public Defender referred to the premises where IDPs were illegally residing after 2012 Parliamentary Elections, which covered 47 buildings possessed by various state institutions and private owners. According to the information provided by the Ministry, by the end of 2013 there were 26 premises that remain illegitimately occupied by IDPs. IDP families which left the premises and were in need of shelter have been provided with a rent allowance before durable housing solution.

In spite of above developments, handful of problems still remain when it comes to living conditions of IDPs. Grave conditions of large number of collective centers, where IDPs reside, are the causes for most concern to Public Defender. Delay in addressing the issue of IDP collective centers which are on the brink of collapse can result in sorrowful outcomes. Health and life of IDPs residing in such premises is under threat on daily basis. Therefore, it is necessary that one of the priorities of the Ministry for the upcoming years becomes the reallocation of IDPs from these collective centers to other facilities.

The problem of dire living conditions and lack of living spaces still remains most problematic issue IDPs are facing. However, this issue is part of the general socio-economic problems of the country. Therefore state must ensure that IDPs are fully integrated in social welfare programs which focus on the whole population of Georgia. In addition, livelihood programs should be focused on most vulnerable groups of IDPs.

Another important issue that Public Defender would like to underscore is the privatization process of collective centers and involvement of IDPs in decision making processes concerning them. According to the Action Plan for the implementation of the State policy on IDPs (Adopted by the Decree #62 of the President of Georgia, 2009), one of the significant forms of durable housing process of IDPs is the transfer of ownership over the space currently occupied by IDPs in the collective centers (Privatization Process). This process is going slowly and with several drawbacks. In addition to the flaws in the privatization process, there are many cases when IDPs have no information about the process itself. Lack of awareness among IDPs about ongoing process which concern them still remains as an issue that needs to be tackled. Inclusion of IDPs in the decision-making is not often ensured.

Situation is complex in the villages adjacent to so called ABL (administrative border line), with the lack of employment opportunities, poor quality roads, heating problems in winter, selling agricultural produce – the main problems faced by the population of the villages along ABL. The village residents report that although irrigation channels were built in several villages, the majority faces shortage of irrigation water supply.

In addition to socio-economic problems, safety of the ABL population is also alarming. Detainment of Georgian citizens by Ossetian or Russian border guards is frequent, for the reason of crossing the so called Ossetian administrative border line (The issue of freedom of movement has been underscored by the Public Defender in his previous intervention to the Human Rights Council during its 13th Session). In most cases detainees are released shortly after paying the fine to the Ossetian authorities. There are no signs or other kind of barriers at the administrative borderline and in most cases people are detained while they had no knowledge that they were on the occupied part of the territory. Public Defender expresses his deep concern regarding existing situation and addresses all relevant stakeholders to take effective steps to prevent violation of the right of liberty of individuals and to ensure that the ABL population as well as IDPs fully exercise their rights and freedoms provided to them by international law and Georgian legislation.

Hereby, the Office of Public Defender (Ombudsman) of Georgia avails itself of the opportunity to renew to the Human Rights Council and Special Rapporteur on the human rights of internally displaced persons assurances of its highest consideration and expresses his readiness to contribute to the work of international human rights system in the promotion and protection of rights of IDPs in Georgia.

Ucha Nanuashvili

Public Defender of Georgia